

NOTICE OF HEARING

PLEASE TAKE NOTICE that the West Virginia Racing Commission shall conduct a public hearing on Friday, September 21, 1984, to receive comment on its proposal to amend Thoroughbred Rule Of Racing 843 and Greyhound Rule Of Racing 672.

(Jackpot or Superfecta Wagering)

This hearing shall be conducted in the offices of the Commission , 1018 Kanawha Boulevard East, Suite 511, Charleston, West Virginia at 10:00 a.m. Individuals appearing before the Commission at this time are requested to contact the Racing Commission Office in advance. All written statements in regard to this rule change must be received in the Commission no later than September 19, 1984.

Dated this 22nd day of August, 1984

FILED IN THE OFFICE OF
A JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 8-21-84
Administrative Law Division



COMMISSIONERS

ROGER R. RAMEY
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MEMBER

WEST VIRGINIA RACING COMMISSION

JOHN D. ROCKEFELLER IV
GOVERNOR

OFFICES OF THE COMMISSION

511 BOULEVARD TOWERS
CHARLESTON, WEST VIRGINIA
25301

ALFRED K. HAYS
EXECUTIVE SECRETARY

August 21, 1984

The Honorable A. James Manchin
Secretary of State
State Capitol Building
Charleston, West Virginia 25305

RE: AMENDMENTS TO WEST VIRGINIA RULES OF RACING
STATEMENT OF AUTHORITY

Dear Mr. Manchin:

In accordance with the rule making procedures set forth in chapter twenty-nine-a of the West Virginia Code, filed this date is legislative rule no. 843 of the West Virginia Rules of Racing. (Thoroughbred Rules Of Racing)

The filing of this rule is prescribed by §29A-1-2(d), definition of a legislative rule; §29A-1-2(f), definition of a "rule"; §29A-2-6, format of rule filing; and, §29A-3-1, rule making.

The West Virginia Racing Commission is additionally granted the authority to promulgate reasonable rule and regulations as outlined by §19-23-6(3) and §19-23-12(a) of the West Virginia Code, 1931, as amended. General authorization for rule making is granted by Rule Number seven (7) of the Rules of Racing.

WEST VIRGINIA RACING COMMISSION

ALFRED K. HAYS, EXECUTIVE SECRETARY

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE Aug. 21, 1984
Administrative Law Division

JACKPOT OR SUPERFECTA WAGERING.

(1) The Jackpot or Superfecta is a form of pari-mutuel wagering in which each bettor selects, in order, the first, second, third and fourth placed runners in the designated Jackpot or Superfecta race. The pool shall be held entirely separate from all other pools and is no part of a daily double, exacta, trizacta, trifecta or other wagering pool.

(2) Tickets shall be sold in not less than two dollar denominations and only from machines capable of issuing four numbers.

(3) Races in which Jackpot or Superfecta pools shall be conducted shall be approved by the Commission and shall be clearly designated in the program.

(4) The design of Jackpot or Superfecta tickets shall be clearly and immediately distinguishable from other pari-mutuel tickets.

(5) SCRATCH: If a runner is scratched or declared a nonstarter, no further tickets may be issued designating such runner and all tickets previously issued designating such runner shall be refunded and the money deducted from the gross pool.

(6) Failure to select a winning combination, short finishes.

a. If there is a failure to select, in order, the first four runners, pay-off shall be made on tickets selecting the first three runners in order, failure to select the first three runners, pay-off to tickets selecting the first two runners, failure to select the first two runners, pay-off to tickets selecting the winner to win. Should no selection be made as above mentioned, the net pool shall be apportioned equally between those having selected the runner finishing second combined with the runner finishing third and the runner finishing fourth.

Should no selection be made as above mentioned, the net pool shall be apportioned equally between those having selected the runner finishing third combined with the runner finishing fourth.

Should no selection be made as above mentioned, the net pool shall be apportioned equally between those having selected the third runner for third and the fourth runner for fourth with any

other runner and contrary to win, place and show pool practice, the aggregate number of tickets as mentioned in this paragraph shall divide the net pool and be paid the same payoff.

b. If less than four runners finish, pay-off shall be made on tickets selecting the actual finishing runners in order, ignoring the balance of the selection.

(7) DEAD HEATS: In the event of a dead heat or dead heats, all tickets selecting the correct order of finish, counting a runner in a dead heat as finishing in either position dead heated, shall be winning tickets, and distribution shall be made in accordance with established pari-mutuel practice relative to dead heats.

(8) This rules shall be prominently displayed throughout the betting area of each track conducting the Jackpot or Superfecta and printed copies of this rule shall be distributed by the track to patrons upon request.

FINDINGS AND DETERMINATIONS NECESSITATING RULE CHANGE

"Jackpot or Superfecta" Wagering has been available to licensed racing associations for approximately eight (8) years. Up to this time, Charles Town Races was the sole utilizer of this wagering format.

Under the provisions of this rule, as originally drafted and adopted, a total refund of the pari-mutuel pool was mandated if any patron participating in the pool failed to select the winner to win. This provision could conceivably result in substantial monetary losses to all factions participating in the pari-mutuel take-out and to the patrons as there is no consolation provision.

Wheeling Downs is implementing this form of wagering to their existing program in October. The Racing Commission has determined that because of the added number of patrons that will be participating in the "Jackpot or Superfecta" pool, that provision be made to eliminate the refund of the pool, as described above, and provide for consolation pay-offs. This amendment is deemed to be in the best interests of the patrons, State, Association, Horsemen and County/City.

CERTIFICATION

West Virginia Administrative Regulations §19-23, governing Thoroughbred and Greyhound Rules of Racing, are deemed to be Legislative Rules as they have the effect of law. Thoroughbred Rule No. 843 and Greyhound Rule No. 672 governing "Jackpot or Superfecta" wagering formats grant a specific benefit to the public and also effect the economic welfare of the State, Racing Association, Horsemen and the County/City in which the race track is located.

Attested to this 21st day of August, 1984

Alfred K. Hays, Executive Secretary
West Virginia Racing Commission

STATEMENT OF ECONOMIC IMPACT OF PROPOSED RULES OR REGULATIONS

Agency Racing Commission

Rule No. Thoroughbred 843 Subject "Jackpot or Superfecta" Wagering

1. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

Based on an average daily pari-mutuel pool of \$30,000 for this type of wagering, the State shall earn \$900.00 in the rule's amended form.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

The amending of this rule, deleting the refund provision, shall grant to the racing association and horsemen approximately \$2,000 and to the County/City \$100.00. These figures are based on a \$30,000 pari-mutuel pool on a daily basis.

C. Economic Impact on Citizens/Public at Large.

The wagering public shall profit as their tickets will remain valid for consolation payoff.

Date August 21, 1984 Agency Racing Commission

Signature of Agency Head

Reginald K. Hays

Signature of Authorized Representative

FISCAL NOTE FOR PROPOSED RULES

Rule No. 843 ^{Thoroughbred} Subject Jackpot or Superfecta Wagering

Type of Rule: Legislative Interpretive Procedural

Agency RACING COMMISSION Address 511 Boulevard Tower
Charleston, WV 25301

Authorized Representative Alfred K. Hays Phone 8-2150

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Personal Services	-0-	-0-	-0-	-0-	-0-
Current Expense	-0-	-0-	-0-	-0-	-0-
Repairs and Alterations	-0-	-0-	-0-	-0-	-0-
Equipment	-0-	-0-	-0-	-0-	-0-
Others	-0-	-0-	-0-	-0-	-0-

2. Explanation of above estimates.

No direct impact

3. Date AUGUST 21, 1984 Agency Racing Commission

Signature of Agency Head _____ Signature of Authorized Representative _____

Alfred K. Hays



COMMISSIONERS

ROGER R. RAMEY

CHAIRMAN

John T. Poffenbarger

XXXXXXXXXXXXXXXXXXXX

MEMBER

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25301

ALFRED K. HAYS

EXECUTIVE SECRETARY

August 21, 1984

The Spirit of Jefferson
Charles Town
West Virginia 25414

Attn: Legal Notices

Please publish the attached legal notice in the next edition of your newspaper as a Class I Legal Ad and mail to this office one copy of the certification of publication and the invoice in triplicate.

Very truly yours,

Valerie DiGiorgi
Valerie DiGiorgi
Asst. Executive Secretary

attachment